

DEREK SMITH LAW GROUP, PLLC
1 Penn Plaza, 49th Floor
New York, NY 10119
(212) 587-0760

Seamus P. Barrett
ATTORNEYS FOR DEFENDANT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EDWARD PITRE,

Plaintiff,

v.

THE CITY OF NEW YORK,
FIRE DEPARTMENT OF THE CITY
OF NEW YORK, JAN BORODO,
individually,
JOHN FIORENTINO individually, and
JOSEPH M. MASTROPIETRO, individually,

Defendants.

Civil Action No. 18-cv-5950 (DC)

**Declaration of Seamus P. Barrett,
Esq. In Opposition to Defendants'
Motion for Sanctions**

SEAMUS P. BARRETT, ESQ., declares the following to be true and correct under penalty of perjury and respectfully submits this declaration in opposition to Defendants' motion for sanctions:

1. I am an associate of the law firm Derek Smith Law Group, PLLC, attorneys for the plaintiff in this action. I am duly admitted to practice law in the State of New York and the United States District Court for the Southern District of New York, and am fully familiar with the documents, facts and circumstances of the case set forth herein.

2. Exhibit 1 attached hereto is a copy of the complaint with all of its attachments that Mr. Pitre submitted to the New York City Commission on Human Rights on May 19, 2016 detailing the retaliation, discrimination, failure to accommodate he claims against the Defendants in this lawsuit. This was the administrative charge that preceded this lawsuit.

3. Exhibit 2 attached hereto are the two letters dated August 16, 2016 and October 7, 2016 requesting administrative convenience dismissal of Mr. Pitre's CCHR complaint so that he can pursue his claims in Federal court.

4. Exhibit 3 attached hereto is the Verified Third Party Answer filed by the City of New York in Mr. Pitre's personal injury lawsuit.

5. Exhibit 4 attached hereto is the workers' compensation consent and waiver letter noting the amount of the personal injury settlement paid to the City.

6. Exhibit 5 attached hereto are pages excerpted from Plaintiff's August 3, 2021 deposition in this case. This represents the full extend of the Defendants' discovery taken in this case with regard to Plaintiff's personal injury lawsuit.

Dated:
New York, New York
March 15, 2024

Respectfully submitted,
DEREK SMITH LAW GROUP, PLLC
1 Penn Plaza, 49th FloorNew York, NY
10119
(212) 587-0760
ATTORNEYS FOR PLAINTIFF

By: /s/ Seamus Barrett
Seamus P. Barrett